

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

RATHBONE, LLC, on behalf of	§	
itself and all others similarly	§	
situated and on behalf of	§	
XTO Energy, Inc.	§	
	§	
VS.	§	ACTION NO. 4:11-CV-149-Y
	§	
XTO ENERGY, INC., ET AL.	§	

ORDER OF DISMISSAL

Pending before the Court is the Motion to Dismiss for Lack of Service filed on July 6, 2011, by nominal defendant XTO Energy, Inc. ("XTO"). Additionally, on July 7, the Court issued its Notice of Intention to Dismiss Without Prejudice as to all defendants due to the fact that Plaintiff had not filed proof of service as required by Rule 4.1 of the local civil rules of this Court. As of the date of this order, Plaintiff has failed to timely respond to XTO's motion, nor has it timely filed the proofs of service required by this Court's notice. As a result, XTO's motion is GRANTED. Plaintiff's claims against all defendants are hereby DISMISSED WITHOUT PREJUDICE to their refiling. See Fed. R. Civ. P. 4(m).

SIGNED July 28, 2011.


TERRY R. MEANS
UNITED STATES DISTRICT JUDGE